

AMENDED IN ASSEMBLY APRIL 7, 2005
AMENDED IN ASSEMBLY MARCH 29, 2005
CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 476

Introduced by Assembly Member Baca

February 16, 2005

An act to amend Sections 13040 and 13041 of the Education Code, relating to ~~California Native Americans~~ *relating to student financial aid*, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 476, as amended, Baca. ~~California Native Americans: instructional resources~~ *Student financial aid: Cal Grant Program: funding for teacher preparation.*

Existing law, the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Act, establishes the Cal Grant A and B entitlement awards, the California Community College Transfer Entitlement awards, the Competitive Cal Grant A and B awards, the Cal Grant C awards, and the Cal Grant T awards under the administration of the Student Aid Commission, and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions.

This bill would require the Executive Director of the Student Aid Commission to determine the amount, if any, of funds that have been appropriated to the commission for use for Cal Grant entitlement awards in the 2004-05 fiscal year or a prior fiscal year that, in the judgment of the executive director, will not be used for those awards. The bill would further require the executive director to allocate 50%

of those funds for Cal Grant awards for eligible students currently enrolled in programs of professional preparation that have been approved by the Commission on Teacher Credentialing, and to allocate the other 50% of those funds for loan assumption payments for persons who have worked no less than one year, and no more than 5 years, as full-time instructors in a school district in this state, and who are eligible for benefits under the Assumption Program of Loans for Education, which is administered by the commission.

Because the bill would authorize funds already appropriated for Cal Grant awards be used for a new purpose, it would make an appropriation.

The bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires the State Librarian to develop a specified curriculum framework and content standards, and to award grants or to contract with developers to develop California Native American instructional resources for public schools, and to submit to the Curriculum Development and Supplemental Materials Commission the developed instructional resources for public hearing and recommendation to the State Board of Education. Existing law requires the board to hold a public hearing regarding the recommendation of the commission and to approve the instructional resources along with any modifications that the board determines to be appropriate.~~

~~This bill would require the board, if the board has not approved the instructional resources by July 30, 2006, to convene a public hearing within 60 days of that date for the purpose of addressing the delay in that approval. The bill would make clarifying and other technical changes.~~

~~The bill would appropriate \$250,000 from the General Fund and allocate \$125,000 of these moneys to the State Librarian for purposes of the program described above, and \$125,000 to the State Department of Education for supporting the commission and the board in review of the standards-based instructional resources.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. The Legislature hereby finds and declares all of the following:~~

SECTION 1. Notwithstanding any other provision of law:

(a) The Executive Director of the Student Aid Commission shall determine the amount, if any, of funds that have been appropriated to the commission for use for Cal Grant entitlement awards in the 2004-05 fiscal year or a prior fiscal year that, in the judgment of the executive director, will not be used for those awards.

(b) The executive director shall allocate the amount determined under subdivision (a) as follows:

(1) Fifty percent of that amount shall be used for Cal Grant awards for eligible students currently enrolled in programs of professional preparation that have been approved by the Commission on Teacher Credentialing.

(2) Fifty percent of that amount shall be used for loan assumption payments for persons who have worked no less than one year, and no more than five years, as full-time instructors in a school district in this state, and who are eligible for benefits under the Assumption Program of Loans for Education pursuant to Article 5 (commencing with Section 69612) of Chapter 2 of Part 42 of the Education Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide a much-needed incentive for more persons to enter the teaching profession, it is necessary that this act take effect immediately.

~~(a) California's American Indians are the first peoples to have settled California, an estimated 15,000 years before European colonization.~~

~~(b) California was a hospitable environment, and was home to approximately one-third of all American Indians prior to colonization. These peoples had developed widespread and unique cultures, including as many as 100 distinct languages.~~

~~(e) Colonization occurred by four distinct groups, Spanish, Russian, Mexican, and American. Each had its own distinct, yet significant, impact upon American Indians within California.~~

~~(d) The first people of California have a unique set of cultures that greatly enrich California and these have survived despite the many threats to them. There are 107 recognized Indian tribal governments in the State of California, the most of any state in the nation. California residents and pupils need to know more about the contemporary status of, and the social, governmental, and economic issues affecting California Native Americans.~~

~~(e) California Native American tribes differ from the Midwestern and Eastern Native American tribes in their original culture and language, their social evolution, and their current cultural practices. With a stronger educational foundation, Californians of the future will be better informed about the unique identities and cultural contributions of these tribes.~~

~~(f) Currently, the instructional resources available for use in the California public schools do not include accurate contemporary information concerning Native Americans in this state. Therefore, little can be taught that draws together the historic circumstances of California Native Americans with their lives and futures in today's California. Unfortunately, as a result, myths and faulty stereotypes may be perpetuated.~~

~~(g) Tribal sovereignty, the constitutional and legal right of tribes to govern themselves and tribal lands in accordance with federal law and under a unique nation-to-nation status, is rarely understood. However, these matters are important, as tribes have governmental powers, responsibilities, and authority in relationship to the state and local governments.~~

~~(h) Instructional materials that incorporate California Native American history, culture, sovereignty, and contemporary issues of modern Native Americans, and their relationship and place in California's diverse governmental, racial, and cultural communities will provide California's children a more complete education and academic preparation to interact in today's world.~~

~~(i) It is in the best interest of all the people, and of the future of this state, to ensure that each school district, charter school, county office of education, and California Native American education center have the opportunity to seek, learn, review, develop, and share culturally accurate instructional materials.~~

1 ~~(j) The highest quality instructional materials that include a~~
2 ~~discussion of the role of California Native Americans, in the~~
3 ~~history, culture, governance, and socioeconomic dynamics of the~~
4 ~~state should be available to all Californians.~~

5 ~~SEC. 2. Section 13040 of the Education Code is amended to~~
6 ~~read:~~

7 ~~13040. (a) The State Librarian shall expend the funds~~
8 ~~allocated for the purposes of this part to develop, in consultation~~
9 ~~with the department and the Curriculum Development and~~
10 ~~Supplemental Materials Commission, a history-social science~~
11 ~~curriculum framework and content standards for California~~
12 ~~Native American instructional resources for use in the public~~
13 ~~schools maintaining any combination of instructional settings~~
14 ~~from kindergarten to grade 12, inclusive.~~

15 ~~(b) The State Librarian may award grants on a competitive~~
16 ~~basis or shall contract with instructional resource developers to~~
17 ~~prepare the instructional resources consistent with the state~~
18 ~~curriculum framework and content standards where the teaching~~
19 ~~of Native American history is identified, and shall consult with a~~
20 ~~broadly based group of experts to advise upon and review the~~
21 ~~instructional resources. The instructional resources shall be~~
22 ~~subject to Section 13041 and all other relevant statutes governing~~
23 ~~the content of educational materials prior to distribution to the~~
24 ~~public schools.~~

25 ~~(c) In carrying out subdivision (b), the State Librarian is~~
26 ~~encouraged to do or enable each of the following, to the extent~~
27 ~~possible:~~

28 ~~(1) Involve California Native Americans in the development~~
29 ~~of the instructional resources.~~

30 ~~(2) Consult with local and regional consortia of organizations~~
31 ~~and individuals engaged in similar educational, research, and~~
32 ~~development efforts.~~

33 ~~(3) Coordinate and collaborate with organizations and~~
34 ~~individuals engaging in similar educational, research, and~~
35 ~~development endeavors.~~

36 ~~(4) Utilize creative and innovative methods and approaches in~~
37 ~~research for, and development of, the instructional resources.~~

38 ~~(5) Seek matching funds, in-kind contributions, or other~~
39 ~~sources of support to supplement the funds provided in support~~
40 ~~of this part.~~

~~(6) Propose the use of a variety of media, including new technology and the arts, to creatively and strategically appeal to pupils while enhancing and enriching community-based educational efforts.~~

~~(7) Include scholarly inquiry related to the variety of experiences of California Native Americans.~~

~~(8) Add relevant materials to, or catalogue relevant materials in, libraries and other repositories for the creation, publication, and distribution of bibliographies, curriculum guides, oral histories, and other resource directories and supporting the continued development of scholarly work on this subject by making a broad range of archival, library, and research materials more accessible to the American public.~~

~~SEC. 3. Section 13041 of the Education Code is amended to read:~~

~~13041. (a) The State Librarian shall submit to the Curriculum Development and Supplemental Materials Commission the instructional resources developed pursuant to Section 13040.~~

~~(b) The Curriculum Development and Supplemental Materials Commission shall hold a public hearing regarding the instructional resources and shall recommend them, along with any modifications that the commission determines to be appropriate, to the State Board of Education.~~

~~(c) (1) The State Board of Education shall hold a public hearing regarding the recommendation of the Curriculum Development and Supplemental Materials Commission pursuant to subdivision (b) and shall approve the instructional resources along with any modifications that the board determines to be appropriate. If the State Board of Education has not approved the instructional resources by July 30, 2006, the board shall, within 60 days of that date, convene a public hearing for the purpose of addressing the delay in the approval of the instructional resources.~~

~~(2) The State Board of Education shall review the instructional resources approved pursuant to paragraph (1) in relation to the history-social science content standards adopted pursuant to Section 60605 and shall, at any subsequent revision, make adjustments, if any, to the content standards that it determines to be appropriate. The State Board of Education shall also ensure that the approved instructional resources are used as an advisory~~

1 tool in developing the next revision of the history-social science
2 curriculum framework and standards.

3 ~~(d) Upon approval by the State Board of Education pursuant to~~
4 ~~subdivision (e), the instructional resources shall be made~~
5 ~~available to educators as efficiently and effectively as available~~
6 ~~funding will allow.~~

7 ~~SEC. 4. The sum of two hundred fifty thousand dollars~~
8 ~~(\$250,000) is hereby appropriated from the General Fund to the~~
9 ~~Controller for the purposes of this act, and shall be allocated by~~
10 ~~the Controller as follows:~~

11 ~~(a) One hundred twenty-five thousand dollars (\$125,000) to the~~
12 ~~State Librarian for the purposes of Part 8.7 (commencing with~~
13 ~~Section 13040) of the Education Code.~~

14 ~~(b) One hundred twenty-five thousand dollars (\$125,000) to the~~
15 ~~State Department of Education for supporting the Curriculum~~
16 ~~Development and Supplemental Materials Commission and the~~
17 ~~State Board of Education in the review of the standards-based~~
18 ~~instructional resources pursuant to this act.~~

19 ~~SEC. 5. This act is an urgency statute necessary for the~~
20 ~~immediate preservation of the public peace, health, or safety~~
21 ~~within the meaning of Article IV of the Constitution and shall go~~
22 ~~into immediate effect. The facts constituting the necessity are:~~

23 ~~In order to permit the timely development of California Native~~
24 ~~American instructional resources, it is necessary that this act take~~
25 ~~effect immediately.~~